IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3259 OF 2005

Nandkishore Kaluram Dudhane ..Applicant
residing at Kamgaon Maval,
Tal.Haveli, District Pune.
V/s.

The State of Maharashtra ..Respondent

Adv.Mr. Kuldeep Patil i/b Mr.Shashank Borade for the Applicant.
APP Shri R.Y. Mirza for the State.

CORAM: **ABHAY S. OKA, J.**
DATE: **6TH JUNE, 2005.**

P.C.:

1. Heard the Learned Counsel appearing for the Applicant and the Learned APP for the State. The case is registered against the applicant and five others for the offences punishable under sections 302, 143, 147 to 149, 504 and 506 of the I.P.C. It is not in dispute that the original accused nos.3 and 4 were enlarged on bail by the order passed by the Learned Sessions Judge. The applicant herein who is accused no.1 alongwith the accused no.5- Sachin @ Pappu Dudhane filed an application before the

Sessions Court for bail. While rejecting the application, the Learned Sessions Judge has recorded that at the instance of the accused no.5, investigating agency has recovered in all five weapons and at the instance of the applicant herein, that is the accused no.1, there is recovery of two motorcycles. The Learned Sessions Judge by the order dated 11th March, 2005 rejected the application made by the present applicant and the accused no.5. However, by the said order, he granted a separate application filed by the accused no.4 and enlarged him on bail. The accused no.5 Sachin filed Criminal Application 2470/05 in this Court. By an order dated 25th April, 2005 , this Court allowed the said application and directed that the accused no.5 should not be enlarged on bail.

2. Considering the fact that in all five weapons were recovered at the instance of the accused no.5, there is no reason why the applicant in this application should be enlarged on bail by the reason of parity. Accordingly, this application deserves to be allowed.

3. Hence, I pass the following order:

ORDER

i. The applicant is directed to be enlarged on bail in connection with C.R.NO.234/04 registered with Haveli Police Station on executing Personal Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with two local sureties in the like amount. However, the applicant shall not influence the prosecution witnesses and shall not tamper the prosecution evidence in any manner whatsoever.

ii. The applicant shall co-operate with the Learned Trial Judge for the earlier disposal of the trial as condition for grant of bail.

iii. If the Trial Court finds that the applicant is delaying the trial, the Trial Court will be at liberty to record the same in the Roznama and the said conduct can be the basis for the cancellation of bail granted to the applicant.

Judge.